

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MAX BIRMINGHAM,

Plaintiff,

Hon. Janet T. Neff

v.

Case No. 1:20-cv-00329-JTN-PJG

DANA NESSEL,

Defendant.

ORDER

This matter is before the Court on Plaintiff's Motion for Preliminary Injunction. (ECF No. 7). Plaintiff initiated this action challenging the constitutionality of Michigan Compiled Laws § 750.532. Plaintiff now moves the Court for a preliminary injunction enjoining the enforcement of this statute. Federal Rule of Civil Procedure 65(a)(1) mandates that a court "may issue a preliminary injunction only on notice to the adverse party." In the Certificate of Service attached to the present motion, Plaintiff asserts that he "will" serve his motion on Defendant, not that he has actually done so. Moreover, there is no indication in the docket that Plaintiff has, in fact, served the present motion on Defendant. This is fatal to Plaintiff's request. The Court further notes that there is no indication in the docket that Defendant has been served with Plaintiff's complaint. Accordingly, Plaintiff's Motion for Preliminary Injunction, (ECF No. 7), is hereby denied without prejudice.

IT IS SO ORDERED.

Date: May 8, 2020

/s/ Janet T. Neff
JANET T. NEFF
United States District Judge